



**Communities, Housing and Planning Policy Development Panel  
06 September 2023**

## **DISCRETIONARY HOUSING PAYMENT AND COUNCIL TAX DISCRETIONARY RELIEF POLICIES**

**Report Author:** Lindsay Sayer  
Housing and Benefit Manager  
01603 430632  
[lindsay.sayer@southnorfolkandbroadland.gov.uk](mailto:lindsay.sayer@southnorfolkandbroadland.gov.uk)

**Portfolio:** Communities and Housing

**Wards Affected:** All

### **Purpose of the Report:**

The purpose of this report is to obtain agreement to adopt the reviewed Discretionary Housing Payment and Council Tax Discretionary Relief policies for April 2024, due to the increased demand on these funds.

### **Recommendations:**

That Cabinet recommends to Council the proposal and approves the Discretionary Housing Payment and Council Tax Discretionary Relief policies for implementation in April 2024

## **1. Summary**

- 1.1. The Council's Discretionary Housing Payment (DHP) and Council Tax Discretionary Relief (CTDR) policy sets out the framework for how the Benefit team make decisions for these payments.
- 1.2. To ensure these payments remain effective with the current level of demand, and in line with the DHP guidance as provided by the Department for Work and Pensions, the policies have been reviewed.
- 1.3. The policies have also been reworded to ensure clarity, rather than amended content.
- 1.4. The key principles of the policies have remained the same, which is to help relieve hardship, however specific items which have been amended are:
  - Consideration on rent in advance
  - The guidance contained within the decision matrix

## **2. Background**

- 2.1 In July 2001 legislation was introduced to allow Local Authorities discretionary powers to top up existing Housing Benefit awards, for customers where this benefit did not meet their full housing costs. This was later amended to include claimants on Universal Credit. This is called Discretionary Housing Payments (DHP), the legislation of which is contained in the Discretionary Financial Regulations 2001 (S1 001/1167) and The Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013).
- 2.2 For customers who need help with their Council Tax costs, above any entitlement to Council Tax Assistance (CTA), provision is made under The Local Government Finance Act 2012 which amends Section 13A of the Local Government Finance Act 1992 and sets out the duty that Councils have to consider reducing a person's Council Tax liability in section 13A(1)(c). These payments are referred to as Council Tax Discretionary Relief (CTDR)
- 2.3 The Benefit Team consider any discretionary awards for customers, above statutory entitlement under these pieces of legislation.
- 2.4 There is no statutory right to a DHP or CTDR payment. It is at the Council's discretion whether to grant an award and what amount this will be. In exercising its discretion, the Council considers each application on its own merits while having due regard to the overarching objectives of the DHP and CTDR policies taken together with its public law duties to act lawfully, reasonably, and fairly.

- 2.5 Funding for DHPs is provided by the Department for Work and Pensions (DWP) on an annual basis. Any funds which are not spent are required to be returned. Local Authorities can spend above this amount, up to a maximum set figure, however any excess spend must be sourced from Council funds.
- 2.6 The Council's Discretionary Housing Payments (DHP) Policy is reviewed regularly to ensure it remains reflective of current legislation, work practices, customer demand and funding available.
- 2.7 The Benefit Team assess DHP applications with reference to a 'Decision matrix' to ensure decision are consistent, fair and within the funding allocation for that year, to make full use of the funding allocation. Officers can use their discretionary powers to make decisions outside this matrix, however using this helps to ensure the allocation of funding is allocated in a fair manner.
- 2.8 The matrix is reviewed annually by managers to ensure that the limited fund supports sustainable tenancies and is maximised to those most in need. Any amendments to the matrix will be made only following consultation with the Assistant Director of Individuals and Families, and Assistant Director of Finance and relevant portfolio holders.
- 2.9 The Council's Council Tax Discretionary Relief (CTDR) fund is paid from Council funds only and is paid under s13A(1)(c) Local Government Finance Act 1992. Often these claims are administered alongside DHP applications and are also paid at the Council's discretion, although are subject to less regulation.
- 2.10 To ensure funds are allocated to those most in need and where it is most effective, the DHP and CTDR policies, and the decision matrix have been reviewed to ensure they are still fit for purpose. The reviewed policies can be found in the appendices.

### **3. Current positions/findings**

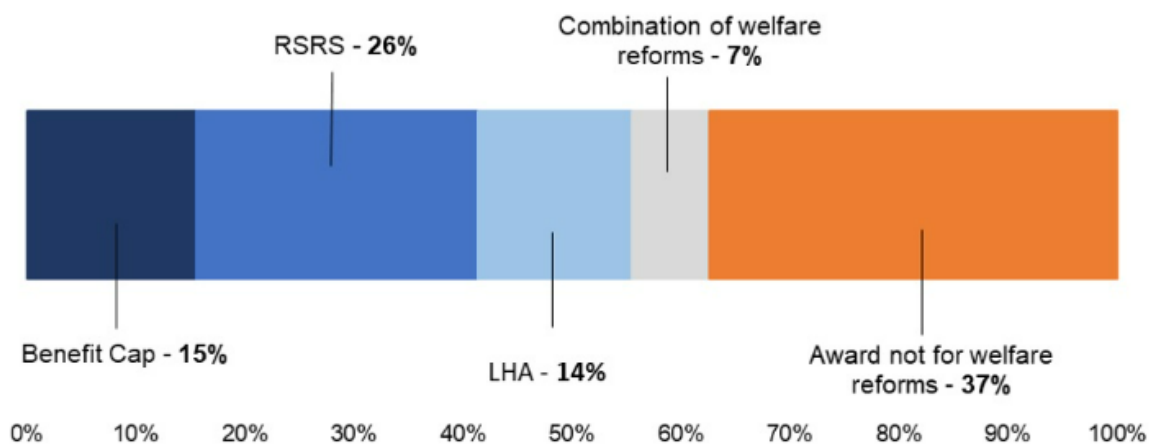
- 3.1 Since the introduction of their welfare reforms in 2011, the DWP has significantly increased its funding for DHP payments to help customers who are affected by the changes. The funding available, however, is substantially less than the loss in Housing Benefit that customers have experienced and cannot be used to help all customers who have a shortfall between their Housing Benefit or Universal Credit and the amount they have to pay in rent.
- 3.2 These reforms are primarily:
- Local Housing Allowance – restricts the maximum Housing Benefit or Universal Credit Housing costs in the private sector, based on bedroom need. The figures are based on the 30% quartile of average rents of the size in the area, therefore they are typically lower than actual rents.
  - Removal of Spare Room Subsidy – colloquially known as 'bedroom tax'. For tenancies with registered social landlords, if they are deemed to be

under occupying their house, the maximum Housing Benefit will be reduced by 14% or 25% accordingly.

- Benefit cap – Primarily for those out of work the maximum benefit a person can receive annually, including Housing Benefit, is restricted.

3.3 Statistics provided by the Department for Work and pensions show that 63% of DHP expenditure, nationally, was spent on welfare reforms which restrict the amount of Housing Benefit a customer can receive, for example the benefit cap or removal of the spare room subsidy (bedroom tax). Highlight the current performance, operation or situation with regards to the service or function, for example:

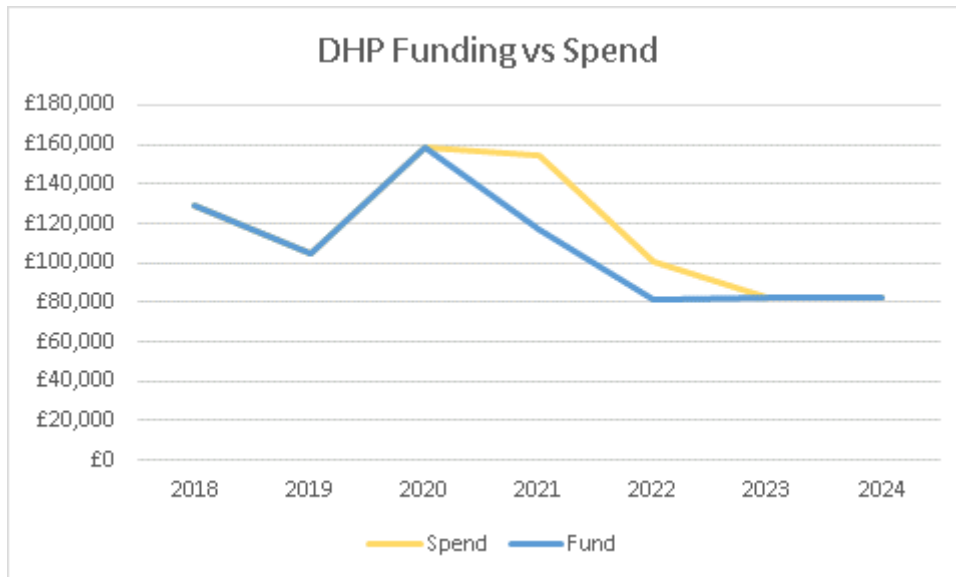
**Proportion of DHP expenditure on each welfare reform**



- If you are changing the way a service works, identify how it works at present.
- If you are thinking of commissioning a new contract, identify the process you have followed to procure the contract.

3.4 DHP funding for the financial year 2023/24 is 44% less than the peak in 2020/21, and it is not expected to increase next year.

3.5 The DHP budget for the year 2020/21 was extended by the DWP to cover the extra demand due to Covid. For the years 2021/22 and 2022/23, extra Covid support money was allocated by the Council for DHP to cover the extra demand, allowing us to spend over budget. This extra funding, however, will not be available this year.



- 3.6 Although funding has decreased, the number of applications has remained consistent since 2020. The ongoing cost of living crisis means that customers have less excess income after expenses to help them pay for any shortfall in their rent. In addition to this, rents in the private sector are seeing a significant increase. In the East of England rents increased by approximately 8% in the last year. These increases are not being matched by the levels of Local Housing Allowance, which means that customers' shortfall in their rents is increasing alongside a decrease in cash to be able to afford this.
- 3.7 The Council is also seeing an increase in demand for DHP applications to cover rent in advance. For privately rented properties, the Council has a loan scheme that customers can, and should, utilise. However, there is no such scheme for customers in Housing Association properties as historically this has not been required. Landlords for these properties are increasingly demanding rent in advance before a customer can sign a tenancy. The DHP fund would not be sufficient to fund all applications for assistance with this, therefore eligibility criteria have been considered and applied to the reviewed policy. All other options for assistance with rent in advance will also be explored before any award is made.
- 3.8 The team have pushed back and sought alternative solutions when rent in advance has been requested, and currently we are working closely with landlords regarding this. However, it is likely that in the future we will be challenged by the ombudsman on this point. Consequently, to enable the DHP spend to remain in budget it is necessary to have a formal consideration of when it is suitable to pay, and when it is not.
- 3.9 The high demand on the DHP fund means that it is essential to review the DHP policy and matrix to ensure payments are rationalised in line with the overall funding allocation whilst ensuring that we are acting fairly, reasonably, and consistently.

- 3.10 There is less demand for CTDR payments as the Council has control over its CTA scheme and reviews this each year to ensure help is being provided where it is most in need. However, CTDR is still needed for those customers where CTA is not quite sufficient, or for where a customer is not entitled to CTA but due to exceptional circumstances requires short term help with their council tax payments. The money comes directly from the Council's budget with no external funding, so it is imperative this money is also spent where it is most effective. There are very few regulations around how this money can be allocated, so officers are able to use their knowledge and discretion to make appropriate awards.
- 3.11 To ensure the funding for both DHP and CTDR is spent only when essential, officers will also explore other avenues to provide the customer with assistance they need, such as working with colleagues in the Communities and Wellbeing team for budgeting, exploring tenancy sustainment funds from Housing Associations or, working with the Housing team to help them find suitable alternative accommodation.
- 3.12 Officers will also explore options to assist the customer in improving their own situation, encouraging independence by referring them to programmes that can help them back to work or explore other career options.

#### **4. Proposed action.**

- 4.1 DWP welfare reform measures which have been in place since 2011, and a growing demand for rent in advance, have increased the need for a robust DHP policy to ensure limited funds are being distributed appropriately.
- 4.2 The Council's DHP and CTDR policies have been reviewed to ensure these funds are spent where they can be most effective.
- 4.3 It is therefore proposed that the revised DHP policy and decision matrix, along with the revised CTDR policy, are adopted for the financial year 2024/25 and ongoing. The matrix will be reviewed annually by Benefit Managers and the Assistant Directors for Individuals & Families, and Finance, with the relevant portfolio holders.

#### **5. Other options**

- 5.1 Members could choose to retain the current policies, however this would not provide the Council with as much clarity of what the policies functions are, nor as much control over the increase in rent in advance requests.

## **6. Issues and risks**

6.1 **Resource Implications** – Although funding has decreased, applications are remaining consistent ensures we can continue to administer this with current resources.

6.2 **Legal Implications** – DHP decisions are made in line with Discretionary Financial Regulations 2001 (S1 001/1167) and The Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013).

- CTDR payments are made under s13A(1)(c) Local Government Finance Act 1992, which allows Councils to use their discretion and make payments to reduce a customer's liability as they see fit.

6.3 **Equality Implications** – There are no equality implications with the proposal.

6.4 **Environmental Impact** – n/a

6.5 **Crime and Disorder** -n/a

6.6 **Risks** - As the cost of living crisis continues to impact our customers, demand may exceed the allocated annual budget.

## **7. Conclusion**

7.1 The Council's policies that govern how the discretionary funds for help with rent and Council Tax, Discretionary Housing Payments and Council Tax Discretionary Relief, have been reviewed and updated to ensure they are fit for purpose with the ongoing cost of living crisis and continued high demand.

## **8. Recommendation**

8.1 That Cabinet recommends to Council the approval of the revised DHP and CTDR policies for implementation in April 2024.

## Appendix 1



### DISCRETIONARY HOUSING PAYMENTS POLICY

#### 1.0 Background

- 1.1 In July 2001 legislation was introduced to allow Local Authorities discretionary powers to top up existing Housing Benefit awards, for customers where this benefit did not meet their full housing costs. This was later amended to include claimants on Universal Credit.
- 1.2 The legislation is contained in the Discretionary Financial Regulations 2001 (S1 001/1167) and The Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013).

#### 2.0 Summary

- 2.1 The purpose of a Discretionary Housing Payment (DHP) is to assist towards housing costs for claimants experiencing financial hardship and are struggling to meet these payments, where they are not fully covered by Housing Benefit or Universal Credit.
- 2.2 The Government allocates a DHP budget to the Council each financial year. The budget allocation is made up of four categories: General Hardship, Removal of the Spare Room Subsidy, Benefit Cap, and Local Housing Allowance reforms. The spending of these categories is monitored, and quarterly returns are submitted. Councils are advised of the DHP funding amounts annually.
- 2.3 DHPs are not an award of Housing Benefit or Universal Credit, rather they are discretionary. Consequently, there is no statutory entitlement to an award.
- 2.4 The DHP scheme should generally be considered short-term emergency fund; it is not a solution to any current or future entitlement restrictions to current housing costs legislation.
- 2.5 Housing costs are not defined in the Discretionary Financial Assistance Regulations 2001, but in general means rental liability
- 2.6 The main features of this scheme are that:



- the scheme is purely discretionary; a customer does not have a statutory right to a payment,
- the amount that can be paid out in any financial year is cash-limited by the Secretary of State,
- the administration of the scheme is for the local authority to determine (with a few specific exceptions).

### **3.0 Purpose of this policy**

3.1 This policy's purpose is to specify how Broadland District Council will administer DHPs. It details the application process and indicates some of the factors that will be considered when deciding if a DHP can be awarded.

### **4.0 Statement of Objectives**

4.1 Broadland Council will consider awarding a DHP to applicants who meet the qualifying criteria set out in this policy.

4.2 All applications will be considered on their individual merits and treated fairly and equally in accessibility to the fund and decisions made.

4.3 When an assessment is made, the officer will utilise other resources available through the Local Authority. This could include (but is not limited to) early intervention with the assistance or support to seek alternative accommodation.

4.4 The officer will also consider whether the customer is entitled to any other benefits or funds that they have not yet claimed and arrange for support, when appropriate, in making an application.

4.5 Through the operation of this policy the Council will seek to:

- Alleviate poverty
- Sustain tenancies and prevent homelessness
- Encourage and sustain people in employment
- Support the vulnerable in the local community
- Safeguard residents in their own homes
- Help those who are trying to help themselves
- Keep families together
- Help applicants through personal and difficult events
- Support young people in the transition to adult life
- Support foster carers who have a spare room for a potential foster child
- Support people living with a disability living in accommodation substantially adapted for their needs to sustain their tenancy
- Support people affected by welfare reforms, in particular:
  - The benefit cap

- The social sector size criteria
- The reduction in local housing allowance.

## **5.0 Eligibility**

**5.1** The applicant must have an existing entitlement to either:

- Housing Benefit
- Universal Credit which includes a housing element towards a rental liability

**5.2** This must relate to a property in the Broadland area.

**5.3** The property must be the same property that DHP is being claimed for.

**5.4** If the DHP claim relates to rent arrears, one of these benefits must have been in payment at the time the arrears accrued.

**5.5** A previous award of DHP does not guarantee any future award even if the applicant's circumstances have not changed.

## **6.0 Treatment of Applications**

**6.1** Each application will be considered on its merits and the information provided.

**6.2** All applicants will be treated fairly and equally. To ensure a level of consistency, officers will make decisions in reference to the 'DHP Decision Matrix'. The officers will always retain their discretion to make a decision outside this matrix in exceptional circumstances for the most vulnerable residents.

**6.3** The 'DHP Decision Matrix' will be reviewed annually by Benefit Managers in conjunction with the Assistant Directors for Individuals & Families, and Finance, along with relevant portfolio holders, to help ensure each year's funding allocation is not exceeded.

## **7.0 What a DHP can be used for**

**7.1** DHPs are intended to cover shortfalls between Housing Benefit or Universal Credit Housing Costs and the full rent charge.

**7.2** In addition, DHPs can be used to assist with rent arrears where this will prevent homelessness or allow a move to a more affordable property.

- 7.3 DHPs can cover rent shortfalls arising from, but not limited to:
- Reductions in Housing Benefit or Universal Credit where the benefit cap has been applied
  - Reductions in Housing Benefit or Universal Credit due to the maximum rent (social sector) size criteria, also known as the bedroom tax
  - Reductions in Housing Benefit or Universal Credit because of Local Housing Allowance restrictions
  - Rent Officer restrictions such as local reference rent or shared accommodation rate
  - Reductions in Housing Benefit or Universal Credit for non-dependants
  - Foster carers who have bedroom(s) available for placements, including those between placements
  - A shortfall in Housing Benefit or Universal Credit due to income, if this is for an unforeseen circumstances such as a loss of income.
- 7.4 Rent on two homes where the claimant is liable for payments on both. A DHP can be awarded when an applicant is temporarily absent, for example when fleeing domestic violence.
- 7.5 Rent shortfalls to prevent homelessness while alternative options are explored by the Housing team.
- 7.6 Rent in advance can be considered in the following exceptional circumstances, where the customer:
- has a serious medical need and is unable to be discharged to their previous home due to their changed accommodation need.
  - has a previous home which has been destroyed by a disaster
  - is a current or former member of the British Armed Forces, having left service within the preceding 5 years, as defined by s.374 of the Armed Forces Act 2006
  - any other exceptional circumstances, as determined by the assessing officer

## **8.0 What a DHP cannot be used for**

- 8.1 A DHP cannot be paid for the following circumstances:
- Housing costs which do not arise from a rental liability, such as payment towards a mortgage
  - Rental liability arising from recovery of overpayments of Housing Benefit or Universal Credit
  - Rental liability arising from suspension of Housing Benefit or Universal Credit due to failure to provide information or because there is doubt regarding entitlement

- Rental liability arising from termination or reduction in Jobseekers Allowance because the claimant has left work voluntarily or had their employment terminated due to misconduct
- Sanctions and reductions in other means-tested benefits
- Increases in rental liability due to court costs
- Service charges which are ineligible for Housing Benefit or Universal Credit
- Charges for water, sewerage, and environmental services
- Council Tax liability
- Rent arrears which accrued during a period where there was no entitlement to Housing Benefit or Universal Credit
- Increases in rent due to outstanding rent arrears which accrued during a period where there was no entitlement to Housing Benefit or Universal Credit.

## **9.0 Amount and Period of the Award**

- 9.1 All cases the length and amount of DHP will be based on the evidence supplied and the facts known.
- 9.2 The minimum period for which a DHP will be awarded is one week.
- 9.3 DHPs will not usually be made for a period exceeding 12 months.
- 9.4 The amount of DHP paid cannot be more than the value of the rent.
- 9.5 When considering rent arrears, proof of these will be required from the landlord or their agent.
- 9.6 In exceptional circumstances, the officer will consider a long-term award until the customers' circumstances change, if the officer feels this is appropriate. For example, if a customer is living in significantly adapted accommodation and it is considered unreasonable to expect them to move house.

## **10.0 Application process, including duties of the applicant**

- 10.1 A claim may be submitted by any applicant, or a representative of the applicant where permission has been granted, with an existing entitlement to Housing Benefit or Universal Credit Housing Costs.
- 10.2 The application must be made in writing and signed by the applicant and partner where applicable.
- 10.3 The applicant must provide the supporting evidence and information required, as detailed on the application form, to enable a decision to be made.

- 10.4 Assessment Officers may request any further reasonable evidence to consider the application. This must be provided within the timescales specified, which is usually one calendar month from the date of request although this can be extended if appropriate.
- 10.5 A person claiming a DHP is required to tell the Council of any changes to their financial or personal circumstance which may be relevant to their DHP claim or affect the amount they have been awarded.
- 10.6 The Council reserves the right to verify any information or evidence provided by the claimant.

## **11.0 Considerations in awarding a DHP**

11.1 In deciding whether to award a DHP the following will be considered:

- The relevant Regulations and official guidance
- The shortfall between the rent charge and the Housing Benefits or Universal Credit Housing Costs
- The level of any rent arrears
- Any steps taken by the applicant to reduce their rental liability, including following advice provided in a previous DHP award
- The income and expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home
- Contributions to household expenses from non-dependants and any other adult occupiers who are not in full-time education
- The financial and medical circumstances of the applicant, their partner and any dependants or other occupants of the applicant's home
- Any savings or capital held by the applicant and their household members
- The level of indebtedness of the applicant and their household members
- The level of Council Tax the household is liable to pay
- The exceptional nature of the applicant and their household circumstances
- The amount available in the DHP budget at the time of the application
- The possible impact on the Council of not making an award, for example the pressure on priority homeless accommodation
- Whether the applicant has previously refused the allocation of more suitable affordable accommodation
- Any other special circumstances indicated in the application.

11.2 A previous award of DHP does not guarantee a future award.

- 11.3 When deciding how to treat income from disability-related benefits such as Disability Living Allowance ('DLA') or Personal Independence Payments ('PIP'), consideration will be given on a case-by-case basis. The purpose of these benefits will be considered and whether the money from those benefits has been committed to other liabilities associated with disability.
- 11.4 This list is not exhaustive, and any other relevant factors or special circumstances will be considered.
- 11.5 Capital will be considered and discretion used to decide whether the level of capital indicates financial hardship and whether a DHP award is reasonable.
- 11.6 All decisions will be fully documented

## **12.0 Payment of an award**

- 12.1 The Officer awarding the DHP will decide the most appropriate person to pay based on the circumstances of the case.
- 12.2 This could include, but is not limited to:
- The applicant
  - Their partner
  - Their appointee or holder of financial Power of Attorney
  - The landlord (or agent of the landlord)
  - Any other third party to whom it might be appropriate to make payment.
- 12.3 Rent arrears will usually be paid directly to the landlord or their agent. However, requests to pay the applicant directly will be considered based on the circumstances of the claim. Confirmation of that the arrears have been paid to the landlord may be requested.
- 12.4 Payment will be made by BACS in all cases.
- 12.5 Payment frequency will normally be in line with payments of Housing Benefit. This will usually be on a four-weekly cycle to allow the full award to be paid within the financial year.
- 12.6 One-off lump sum payments can be made immediately if required.

## **13.0 Notification**

- 13.1 The Council will inform the applicant of the outcome of their application as soon as practicably possible. Where the application is unsuccessful, the reasons why this

decision was made will be set out and the right of review will be explained in writing.

13.2 Where a customer has been identified as struggling to manage their financial affairs, they will be signposted to our Communities and Wellbeing team for budgeting and / or debt advice.

13.3 Where the application is successful, this letter will advise:

13.3.1 the amount of Discretionary Housing Payment awarded

13.3.2 the reason for the award

13.3.3 the period of the award

13.3.4 how, when and to whom the award will be paid

13.3.5 the requirement to report a change in circumstances

13.3.6 how to re-apply at the end of the award if appropriate

13.3.7 the review process

13.3.8 this is a cash limited fund and

13.3.9 an award of a DHP does not guarantee that a further award will be made even if the applicant's circumstances have not changed

#### **14.0 Changes of Circumstances**

14.1 If the applicant's circumstances change during the period of a DHP award it may be necessary to revise the award.

14.2 When this occurs, the applicant will be notified of any changes in writing.

14.3 It is the responsibility of the applicant to ensure that any changes in circumstances are notified to the Council.

#### **15.0 Overpayments**

15.1 If a change in the applicant's circumstances leads to an overpayment of DHP, The Council will seek to recover this.

15.2 Recovery will be sought by issuing an invoice to the applicant or person to whom the award was paid.

15.3 Recovery will not be taken from ongoing awards of Housing Benefit.

15.4 The decision letter that notifies an overpayment will also set out the right to a reconsideration of this decision.

15.5 An applicant who disagrees with a DHP overpayment decision may request a reconsideration as set out in Section 15.0.

## **16.0 Reconsiderations/Appeals**

- 16.1 Discretionary Housing Payments are not payments of Housing Benefit and are not subject to the statutory appeals process.
- 16.2 If a customer (or someone acting on their behalf) disagrees with a decision, they must write to the Council stating why they disagree with the decision that has been made.
- 16.3 The decision will be looked at again by an officer other than the original decision maker, who will notify the customer of the outcome of the review and the reasons for this.
- 16.4 If the customer still wishes for the claim to be reviewed, they can submit a reconsideration request to a Housing and Benefit Manager. This decision will be final and may only be challenged by a complaint to the Local Government Ombudsman if there is an allegation of maladministration.

## **17.0 Fraud**

- 17.1 The Council is committed to protecting public funds and ensuring funds are awarded to people who are rightfully eligible for them.
- 17.2 Suspected fraudulent DHP applications will be investigated. Submitting a fraudulent claim for DHP is a criminal offence and offenders may be prosecuted.

## **18.0 Publicity**

- 18.1 A copy of this policy will be made available for inspection, and it will be published on the Council's website.



**Appendix 2**

**Discretionary Housing Payment Award Matrix 2024/25**

This document is for guidance only- each case will be considered on its own merits.

<p><b>Discretionary Housing Payment Groups</b></p>	<p><b>Decision Guidance</b></p>
<p><b>Adapted Properties</b> Customers who have had their property significantly adapted to meet their disability needs</p>	<p>Long term As long as the disability remains the same, review annually</p>
<p><b>Benefit Cap</b> Customers subject to the Benefit Cap</p>	<p>Up to 13 weeks at full amount if their circumstances can be improved. Referral to Help Hub for advice. Consideration of a further 13 weeks at reduced amount in exceptional circumstances</p>
<p><b>Social Sector Size Criteria (SSSC/Under Occupancy)</b> Customers subject to the social sector size criteria with no special circumstances</p>	<p>Up to 13 weeks Signpost to Housing team and Help Hub to explore option to move to smaller accommodation. Further 13 weeks to be considered dependant on proactivity of customer</p>
<p><b>Medical Equipment</b> Customers requiring an extra bedroom to store medical equipment</p>	<p>Long Term As long as medical status remains, review annually</p>
<p><b>Under 35's</b> In privately rented accommodation where LHA "Shared Room Rate" is applied</p>	<p>Up to 13 weeks, with proviso that they seek alternative accommodation Consideration of a further 13 weeks if demonstrated seeking suitable alternative accommodation</p>
<p><b>Expectant Mothers</b> Over 16 weeks, who cannot be expected to seek alternative accommodation</p>	<p>Until baby born if needs the extra room for baby Up to 30 weeks if there is a risk to health or either mother or baby</p>

<p><b>Customers within 12 months of Pensionable age</b> Where work is not a realistic option</p>	<p>Up to pensionable age weekly award or One off award up to pensionable age</p>
<p><b>Hardship</b> Customers affected by hardship due to welfare reform, low income, debt</p>	<p>Up to 13 weeks Signpost to Help hub and Housing team. Consideration of a further award up to 13 weeks if demonstrated engagement with debt advisors and seeking suitable alternative accommodation where appropriate</p>
<p><b>Threat of Eviction</b> Customers who are at risk of losing their property through eviction</p>	<p>At the discretion of a manager who has looked at all the factors surrounding the eviction  Referral to Housing &amp; Help hub</p>
<p><b>Moving may be Unreasonable</b> Customer suffering a serious medical condition Child may be at a critical point in their education</p>	<p>Up to 52 weeks Future awards to be based on updated circumstances</p>
<p><b>Multiple Awards</b> Where consecutive awards have been made for 2 years or more or where more than 3 awards have been made in a 2 year period</p>	<p>No further awards will be made unless a customer can demonstrate that they are continuing to improve their circumstances, then a maximum 13 weeks may be agreed.  Does not apply to long term recipients</p>
<p><b>All other cases</b></p>	<p>Will be considered on their own merits as per the DHP policy</p>

## Appendix 3



### **COUNCIL TAX DISCRETIONARY RELIEF POLICY**

#### **1.0 Background**

- 1.1 An assistance fund has been established by Broadland Council to help residents who are experiencing severe financial hardship.
- 1.2 The Local Government Finance Act 2012 amends Section 13A of the Local Government Finance Act 1992 and sets out the duty Councils have to consider reducing a person's Council Tax liability in section 13A(1)(c).
- 1.3 The main features of the fund are that:
  - The operation of the fund will be at the total discretion of the Council
  - The fund will be administered by the Housing and Benefits department on behalf of the Council
  - There is no statutory right to payments of Council Tax Discretionary Relief although the Council will consider all applications received
  - Council Tax Discretionary Relief Fund payments are not payments of Council Tax Assistance (as defined within Section 13a of the Local Government Finance Act 1992)
  - Applicants to the fund will be advised and, where appropriate, assisted, to apply for other forms of financial assistance that may be available to them before their application will be considered, including Council Tax Assistance.

#### **2.0 Purpose of this policy**

- 2.1 The purpose of this policy is to specify how The Council will administer Council Tax Discretionary Relief payments. It details the application process and indicates some of the factors that will be considered when deciding if a Discretionary Relief payment can be made.

#### **3.0 Statement of objectives**

- 3.1 The Council will consider awarding a Council Tax Discretionary Relief payment to applicants who meet the qualifying criteria as specified in this policy. All applications will be considered on their individual merits and treated fairly and equally in

accessibility to the fund and decisions made. The Council will seek through the operation of this policy to:

- alleviate poverty
- encourage and sustain Broadland residents in employment
- help those who are trying to help themselves
- keep families together
- support the vulnerable in the local community
- help residents through personal crises and difficult events.

#### **4.0 Publicity**

- 4.1 This scheme will be publicised and The Council will work with all interested parties.
- 4.2 A copy of this policy will be made available for inspection and it will be published on the Council's website.

#### **5.0 Treatment of applications**

- 5.1 Each application will be considered on its merits and all applicants treated equally and fairly when the scheme is administered. The Council is committed to working inter-departmentally and collaborating with external organisations in order to maximise applicants' entitlement to all benefits and discounts.

#### **6.0 Applying for a Council Tax Discretionary Relief payment**

- 6.1 In most cases the person who makes a claim for a payment from this fund will be the person who is liable for the Council Tax charge on a particular property. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.
- 6.2 An application for a Council Tax Discretionary Relief payment should be made in writing and signed by the applicant. The Council will provide an application form for this purpose which can be issued from the main office or downloaded from the website and the form must be completed in full. In exceptional circumstances, an officer may choose to make an award without an application if the customers detail are known and the officer decides this is an appropriate course of action to help the customer out of hardship.
- 6.3 Any reasonable evidence in support of an application for a Discretionary Relief payment may be requested in writing. The applicant will be asked to provide the evidence within a calendar month of such a request although this will be extended in appropriate circumstances.
- 6.4 If the applicant is unable to, or does not provide the required evidence, the application will still be considered and will in any event take into account any other available evidence held by the Council.

6.5 The Council reserves the right to verify any information or evidence provided by the claimant in appropriate circumstances.

## **7.0 Awarding a Council Tax Discretionary Relief payment**

7.1 An officer within the Housing and Benefits Department will decide if a Council Tax Discretionary Relief payment will be awarded.

7.2 The Council will advise and assist applicants where appropriate to receive any additional welfare benefits or financial assistance they may be entitled to in order to maximise their income before their claim for a Discretionary Relief payment will be decided. This includes claiming any relevant Council Tax discount or exemption, Council Tax Assistance and any other welfare benefits.

7.3 When making their decision the officer may consider

- the amount of the shortfall between the charge payer's Council Tax liability and the amount of Council Tax Assistance awarded (if appropriate)
- the applicant's financial circumstances and those of any other members of their household
- exceptional circumstances of the applicant or a member of their household

7.4 The list is not exhaustive and any other relevant factors or special circumstances will be considered.

7.5 All decisions will be fully documented.

7.6 A Council Tax Discretionary Relief payment may be less than the difference between the Council Tax liability and the amount of Council Tax Assistance, if this is in payment.

## **8.0 Amount of an Award**

8.1 In all cases the amount of the award will be determined at the discretion of the Council and will be done so on the basis of the evidence supplied and the circumstances of the claim.

## **9.0 Notification of an Award**

9.1 The Council will inform the applicant of the outcome of their application as soon as practicably possible. Where the application is unsuccessful, the reasons why this decision was made will be set out and the right of review will be explained in writing.

9.2 Where the application is successful, this letter will advise:

- the amount of Council Tax Discretionary Relief payment awarded

- the reason for the award
- how the award will be paid
- the requirement to report a change in circumstances
- the review process

## **10.0 Payment of Award**

10.1 Any Discretionary Relief payments will be credited to the applicant's Council Tax account.

## **11.0 Duties of the applicant**

11.1 A person claiming a Discretionary Relief Fund payment is required to:

- Provide the Council with such information and evidence as it may require to make a decision and
- Tell the Council of any changes to their financial or personal circumstances which may be relevant to their Discretionary Relief Fund claim or may affect the amount they have been awarded.

## **12.0 Reviews**

12.1 Council Tax Discretionary Relief payments are made under provisions in the Local Government Finance Act 1992 and are therefore subject to the appeal process detailed in section 16(1)(b) of the same Act. However, provision has been made for a decision to be reviewed.

12.2 If the applicant is not satisfied with any decision in respect of their Council Tax Discretionary Relief payment they have the right to request a review.

12.3 Any request for a review must be made to the Council, in writing, within 21 days of the date of the notification letter issued detailing the original decision.

12.4 A manager within the Housing and Benefits Department will look at the decision again. The applicant will be notified in writing, setting out the decision and associated reasons within 10 working days from receipt of the request or as soon as is practicably possible.

## **13.0 Appeals**

13.1 If the applicant is not satisfied with the outcome of the review they may appeal to the Valuation Tribunal England.

13.2 Applicants also have the right to appeal directly to the Valuation Tribunal without asking the Council for a formal review of their decision first.

13.3 An appeal must be made by the applicant directly to the Valuation Tribunal, in writing, within two months of the date of either the original decision letter, or the letter detailing the decision of the review, whichever is the most recent.

13.4 The Council will respond to the Valuation Tribunal's requirements in relation to an appeal in a timely manner.

#### **14.0 Overpayments of Council Tax Discretionary Relief payment**

14.1 The Council will seek to recover any Discretionary Relief payments found to be overpaid.

14.2 Overpaid Discretionary Relief payments will mainly be recovered directly from the applicant's Council Tax account.

14.3 If, following an award of a Discretionary Relief payment, the applicant's liability for Council Tax ceases any relevant credit on the account will be transferred back to the Council Tax Discretionary Relief Fund.

#### **15.0 Fraud**

15.1 The Council is committed to protecting public funds and ensuring funds are awarded to people who are rightfully eligible for them.

15.2 Suspected fraudulent Discretionary Relief applications will be investigated. Submitting a fraudulent claim for Discretionary Relief is a criminal offence and offenders may be prosecuted.